

Message Text

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60

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INT-05 LAB-04 NSAE-00 NSC-05 PA-01 RSC-01 AID-05

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DRAFTED BY EUR/EE:RACHRISTENSEN:MV

APPROVED BY EB/ITP/OT:MGLITMAN

COMMERCE - MLEVINE

STR - GREENWALD

TREASURY - HUME

L - PITTMAN (SUBSTANCE)

EUR/EE:CBROWN

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FM SECSTATE WASHDC

TO AMEMBASSY BUCHAREST IMMEDIATE

INFO USMISSION EC BRUSSELS PRIORITY

C O N F I D E N T I A L STATE 011505

E.O.11652: GDS

TAGS: EEWT, RO

SUBJECT: US-ROMANIAN TRADE AGREEMENT: POSSIBLE

MODIFICATION OF ARTICLE XII PARA 2 RELATING

TO DURATION

REF: BUCHAREST 0188

1. WASHINGTON AGENCIES AGREE WITH IDEA OF CONSULTATIONS
IN CASES WHERE SUSPENSION OF PORTION OF AGREEMENT MAY BE
NECESSARY AND ARE WILLING TO MEET ROMANIAN CONCERNS THAT
SUSPENSION NOT BE LIMITED TO ARTICLE I. PARAGRAPHS 2(A)
AND (D) OF PROPOSED TEXT ARE ACCEPTABLE.

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2. WE ARE CONCERNED, HOWEVER, THAT THE FIRST SENTENCE OF

PARAGRAPH 2(C) COULD LEAD TO A SITUATION IN WHICH PARTIES PICK AND CHOOSE AMONG ARTICLES WHICH THEY MIGHT FIND BURDENSOME AND GRADUALLY ERODE THE AGREEMENT. TO MEET THIS CONCERN DELEGATION MAY SUGGEST FOLLOWING CHANGE IN PARAGRAPH 2(C): BEGIN TEXT: IF EITHER PARTY IS UNABLE TO CARRY OUT ANY OF ITS OBLIGATIONS UNDER THIS AGREEMENT, THE OTHER PARTY MAY SUSPEND OR TERMINATE THE SAME OBLIGATION OR THE APPLICABILITY OF THIS AGREEMENT. IF EITHER PARTY TAKES ACTION UNDER THE PRECEDING SENTENCE, THAT PARTY WILL, TO THE FULLEST EXTENT PRACTICABLE AND CONSISTENT WITH DOMESTIC LAW, SEEK TO MINIMIZE DISRUPTION TO EXISTING TRADE RELATIONS BETWEEN THE TWO COUNTRIES. END TEXT.

3. SECOND SENTENCE OF PARAGRAPH B SHOULD BE CHANGED TO READ: QUOTE: ONCE CONSULTATIONS HAVE BEEN REQUESTED, THE OTHER PARTY SHALL ENTER INTO SUCH CONSULTATION AS SOON AS POSSIBLE. END QUOTE. KISSINGER

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